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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,583	03/08/2001	Christopher Keith	IVEN125463	7000

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EXAMINER
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LIVERSEDGE, JENNIFER L

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/801,583	<b>Applicant(s)</b> KEITH, CHRISTOPHER	
	<b>Examiner</b> Jennifer Liversedge	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/2/2006 has been entered.

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for reconsideration and continued examination of application 09/801,583 filed on June 2, 2006.

The amendment contains original claims: 2-6, 9-11, 13-26

The amendment contains previously presented claims: 1, 12

The amendment contains amended claims: 7-8

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,101,353 to Lupien et al. (further referred to as Lupien).

Regarding claim 1, Lupien discloses a method of facilitating trading among a set of processes having respective owners, comprising:

automatically via a computer (see Fig 1), operating at least one of the processes (see column 5, lines 51-53 and Fig 7) according to an order processing methodology by

(a) retrieving a decision table having at least two rules specifying at least one of a discovery strategy and an order handling strategy, each rule having at least one condition and at least one action to be taken when the condition is satisfied (see column 3, lines 43-45 and column 6, lines 24-26 and lines 37-45; column 10, line 9 – column 11, line 9), the at least one action selected by the owner of the process from the group comprising (i) generating an order, (ii) obtaining more information, and (iii) evaluating another rule in the decision table (column 3, lines 7-14 and lines 23-45; column 4, lines 31-36; column 6, lines 2-68; column 7, lines 15-26 and lines 39-43; column 9, lines 7-11 and lines 43-55; column 10, lines 1-8; column 10, line 61 – column 11, line 20; column 11, lines 34-37 and lines 66-68; column 12, lines 26-32, lines 48-51 and lines 58-61), and

(b) automatically evaluating whether the at least one condition for each of the rules is satisfied, and for each of the rules having a satisfied condition, automatically, via

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a computer, configuring the at least one process to act on the at least one action (column 3, lines 7-14 and lines 23-45; column 6, lines 15-26 and lines 37-45; column 10, lines 24-68 and column 11, lines 1-10; column 11, lines 38-44; column 12, lines 26-32, lines 48-51 and lines 53-66).

Regarding claim 2, Lupien further discloses that wherein the at least one process is a trading process (i.e. buy and sell, see abstract).

Regarding claim 3, Lupien further discloses that wherein the at least one process is a market process (i.e. price fluctuation upward or downward, see abstract).

Regarding claim 4, Lupien further discloses that wherein the at least one condition is based on order characteristics (i.e. the basic investment characteristics, see column 4, lines 60-65).

Regarding claim 5, Lupien further discloses that wherein the at least one condition is based on market characteristics (i.e. the fundamental investment characteristics, see column 5, lines 15-17 and column 10, lines 24-68 and column 11, lines 1-10).

Regarding claim 6, Lupien further discloses that wherein the decision table includes a holding tank for storing at least one order waiting for a market related event (see column 3, lines 7-14 and lines 23-45; column 4, lines 32-36; column 6, lines 20-40; column 9, lines 43-54; column 10, lines 24-68 and column 11, lines 1-10; column 12, lines 53-68).

Regarding claim 7, Lupien further discloses wherein the at least one action that the at least one process is configured to act upon includes assigning a value to a parameter (i.e. size, order, limit, see Fig 4).

Regarding claim 8, Lupien further discloses wherein the at least one action that the at least one process is configured to act upon includes transferring to another rule (see column 3, lines 28-45; column 6, lines 53-59; column 10, line 61 - column 11, line 10; column 12, lines 26-53).

Regarding claim 9, Lupien further discloses that wherein at least one of the rules also specifies a time for acting on its at least one action (see column 10, lines 1-7; column 12, lines 53-68).

Regarding claim 10, Lupien further discloses that wherein the at least one action in at least one of the rules is a wait operation (i.e. based on the market fluctuation, see claim 10; see column 3, lines 7-14 and lines 23-45; column 4, lines 32-36; column 6,

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lines 20-40; column 9, lines 43-54; column 10, lines 24-68 and column 11, lines 1-10; column 12, lines 53-68).

Regarding claim 11, Lupien further discloses that wherein the set of trading processes includes at least two market processes (i.e. price fluctuation upward or downward, see claim 10) and at least two trading processes (i.e. buy and sell, see abstract) and is operative on a platform that enables the trading processes to communicate in a standardized manner (see abstract).

Regarding claim 12, Lupien discloses a method of facilitating trading, comprising:

Automatically, via a computer (Fig 1), retrieving, at an order handling process operated on behalf of a process owner that is one of a plurality of process owners (see column 5, lines 51-53 and Fig 7), a decision table representing an order processing methodology, the decision table having at least two rules specifying at least one of a discovery strategy and an order handling strategy (see column 3, lines 43-45 and column 6, lines 41-45), each rule having at least one condition and at least one action to be taken when the condition is satisfied (column 3, lines 7-14 and lines 23-45; column 6, lines 15-26 and lines 37-45; column 10, lines 24-68 and column 11, lines 1-10; column 11, lines 38-44; column 12, lines 26-32, lines 48-51 and lines 53-66), the at least one action selected by the process owner from the group comprising (i) generating an order, (ii) obtaining more information, and (iii) evaluating another rule in the decision table (column 3, lines 7-14 and lines 23-45; column 4, lines 31-36; column 6, lines 2-68;

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column 7, lines 15-26 and lines 39-43; column 9, lines 7-11 and lines 43-55; column 10, lines 1-8; column 10, line 61 – column 11, line 20; column 11, lines 34-37 and lines 66-68; column 12, lines 26-32, lines 48-51 and lines 58-61), and automatically, via a computer, applying, at the order handling process, the decision table to process an order when a specified event occurs (column 3, lines 7-14 and lines 23-45; column 6, lines 15-26 and lines 37-45; column 10, lines 24-68 and column 11, lines 1-10; column 11, lines 38-44; column 12, lines 26-32, lines 48-51 and lines 53-66).

Regarding claim 13, Lupien further discloses that wherein the order handling process is a trading process (i.e. buy and sell, see abstract).

Regarding claim 14, Lupien further discloses that wherein the order handling process is a market process (i.e. price fluctuation upward or downward, see abstract).

Regarding claim 15, Lupien further discloses that wherein the at least one condition is based on order characteristics (i.e. the basic investment characteristics, see column 4, lines 60-65).

Regarding claim 16, Lupien further discloses that wherein the at least one condition is based on market characteristics (i.e. the fundamental investment characteristics, column 5, lines 15-17; column 10, lines 24-68 and column 11, lines 1-10).



Regarding claim 17, Lupien further discloses that wherein the decision table includes a holding tank for storing at least one order waiting for a market related event (column 3, lines 7-14 and lines 23-45; column 4, lines 32-36; column 6, lines 20-40; column 9, lines 43-54; column 10, lines 24-68 and column 11, lines 1-10; column 12, lines 53-68).

Regarding claim 18, Lupien further discloses that wherein the decision table includes, in at least one of a condition and an action of at least one of the rules, a nested decision table (see abstract and see column 3, lines 43-45; column 6, lines 15-45 and lines 53-59; column 10, lines 24-68; column 12, lines 53-66).

Regarding claim 19, Lupien further discloses that wherein the rules define a sequence of actions to be taken using explicit control instructions (see column 3, lines 43-45; column 6, lines 15-45 and lines 53-59; column 10, lines 24-68 and column 11, lines 1-10; column 12, lines 53-66).

Regarding claim 20, Lupien further discloses that wherein the at least one action is to request information from an order room (i.e. registered broker/dealer, see column 11, lines 38-42).

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Regarding claim 21, Lupien further discloses that wherein the at least one action is to transfer to another rule (see column 3, lines 28-34; column 10, line 61 – column 11, line 10; column 12, lines 26-52).

Regarding claim 22, Lupien further discloses that wherein the specified event is receiving of an order (see column 3, lines 28-34; column 4, lines 32-36).

Regarding claim 23, Lupien further discloses that wherein the specified event is completing price discovery (see Fig 4; column 9, lines 43-54; column 12, lines 26-66; column 4, lines 32-36).

Regarding claim 24, Lupien further discloses that wherein the specified event is receiving a bid or offer relating to an order handled by the order handling process (see Fig 4; column 9, lines 43-54; column 12, lines 26-66; column 4, lines 32-36).

Regarding claim 25, Lupien further discloses that wherein the specified event is receiving notice of a price improvement opportunity (see column 3, lines 28-34; column 9, lines 43-54; column 12, lines 26-66; column 4, lines 32-36).

Regarding claim 26, Lupien further discloses that wherein the specified event is reporting execution of an order (see column 3, lines 28-34; column 9, lines 43-54; column 12, lines 26-66; column 4, lines 32-36).

### ***Response to Arguments***

In response to Applicant's argument on page 7 that the action to be taken in Lupien is always generating an order, the Examiner points to the sections in Lupien in which other actions such as hold or reevaluate are undertaken, particularly column 3, lines 23-37, column 10, lines 61-64 and column 12, lines 48-51. Lupien's system evaluates data and then determines whether or not it is consistent with the investor's goals and objectives to place an order based on the decision rules. Lupien's system does not always result in generating an order as the circumstances may indicate that the best strategy is to hold the current position.

Applicant argues on page 7, 11, 12, 13 and 16 that Lupien does not disclose (i) generating an order, (ii) obtaining more information, and (iii) evaluating another rule in the decision table. However, Examiner points specifically to the following sections and whether they address (i), (ii) and/or (iii):

column 3, lines 7-14 and lines 23-45; (i), (ii), (iii)

column 4, lines 31-36; (i), (ii)

column 6, lines 2-68; (i), (ii), (iii)

column 7, lines 15-26 and lines 39-43; (i), (ii)

column 9, lines 7-11 and lines 43-55; (i), (ii)

column 10, lines 1-8; (i), (ii)

column 10, line 61 – column 11, line 20; (i), (ii), (iii)

column 11, lines 34-37 and lines 66-68; (i)

column 12, lines 26-32, lines 48-51 and lines 58-61; (i), (ii), (iii).

Applicant further argues on page 8, 10 and 14 that Lupien does not disclose where the action to be taken is selected by the respective owner of the process and the action is embodied in a decision table that is retrieved, and where multiple rules for discovery and handling and actions to be taken therefrom. However, Lupien discloses where actions are taken by the process owner in column 6, lines 37-45 and column 10, lines 1-8 and the use of decision tables in column 3, lines 43-45, column 6, lines 24-26 and lines 37-45, column 10, line 9 – column 11, and line 9, column 11, lines 11-37. Lupien discloses in those sections where databases are used to store investors' financial objectives and strategies where rules are applied in order for the system to call upon these rules to make decisions based on multiple rules for discovery and handling. Lupien also discloses in the afore mentioned sections where the user can override the system and change parameters and/or execute trades which are outside the scope of the rules/decision tables. Decision tables are retrieved for the purpose of evaluating by the system whether an action is required or not, and what that action should be in column 3, lines 7-14 and lines 23-45, column 6, lines 37-40 and lines 53-59, column 10, lines 9-68, column 11, lines 1-10 and column 12, lines 26-32 and lines 48-68.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

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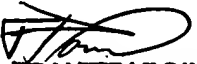
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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FRANTZY POINVIL  
PRIMARY EXAMINER  
*Art 3628*